IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Burke Road, 106 ft. N
of Coldspring Road
1104 Burke Road
15th Election District
5th Councilmanic District

Doris E. Ghent
Petitioner
* BEFORE THE
ZONING COMMISSIONER
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 92-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback for a proposed addition and a 3 ft. side yard setback for an existing shed connected to the dwelling, in lieu of the required 50 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section

307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

County this day of day of land., 1991 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback for a proposed addition and a 3 ft. side yard setback for an existing shed connected to the dwelling, in lieu of the required 50 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth

in their comments dated October 28, 1991, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

AFFIDAVIT
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(e) does/de p	presently reside at	
What kinder of the train	1. 2. 14 14 40	

That based upon personal knowledge, the following are the facts upon which I/we base the request

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

HOLE HOLE A 1950 CA 53 FORT LOT ON HOLEYS CREATERS COMER PERCHANS A

FROM ENTRY A SUNCE 1975 BETWEE ROS COMMY WAS ESTABLISHED GOVERN TO SUCC

TO THE FAME OF TOTALLED HON MAKET CHIRDS STEPS COMER WISHES TO CONSTRUCT

FAME STORY HOLE OF AND YES TODING ON THE CHESTING CONGRESSIONS FOR TO ALLOW ENTRONE

(6'X 12'X 5'-72 3 & FT) TO ALLOW ENTRONE TO HOLD REPLACE & KISTING DOCK

TO TO DOC

That Affiant(a) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

77 // AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

BATE

NOTARY PUBLIC

My Commission Expires: ((1-50037)/1993

CRITICAL AREA

BEGINNING AT A POINT ON THE EAST SIDE OF
BURKE ROAD WHICH IS 30 PEET RIGHT OF WAY

AT THE DISTANCE OF 131 FEET NORTH OF THE
CRNTERLINE OF THE NEAREST IMPROVED INTERSECTING
STREET QOLD SPRING ROAD WHICH IS 30 FEET WIDE,
BEING LOT 49, PLAT 41 AS SHOWN ON THE PLAT OF THE
PROPERTY OF BOWLEYS QUARTERS AS RECORDED IN
BALTIMORE COUNTY, PLAT BOOK #WPC 7, FOLIO 12, CONTAINING
19,027 SQUARE FEET. ALSO KNOWN AS
104 BURKE ROAD AND LOCATED IN THE FIFTEENTH
ELECTION OF BALTIMORE COUNTY.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:	92-79-2
The undersigned, legsl owner(s) of the	
·	property mituate in Baltimore County and which is describe ade a part hereof, petition for a Variance from Section
lear .	
1- 116 1 10 10 + 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	tray
a proposed addition & connect	ed shed in continue
(indicate hardship or practical difficulty)	to the Zoning Law of Baltimore County, for the following reas
	CONTRACTOR
The second of th	The state of the s
Property is to be advertised and/or posted	89 Drescribed by Zoning Bours
1, or we, agree to pay expenses of the ak-	12
of this petition, and further agree to and are t Baltimore County adopted pursuant to the Zoning	ove variance posting and, if necessary, advertising, upon fix to be bound by the zoning regulations and restrictions of Law for Baltimore County
	odney,
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City/State/21p Code	·
Attorney for Petitioner:	Signature
(Type or Print Name)	Address Phone
Signature	Phone 13.2/fr / 16/2 2/12 City/State/Zip Code
	•
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Attorney a telephone number	Name
	Address Phone
ORDERED by the Zoning Commissioner of Baltimore County petition be posted on the property on or before the $\frac{10^{-1.5}}{10^{-1.5}}$ d	ر در در معمور در
•	
	ZONING COMMISSIONER OF BALTIMORE COUNTY
A DISE TO INCASTANT MANAGEMENT OF THE PROPERTY	
A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE IT IS FURTHER ORDERED by the Zoning Commissioner of Bal	BE REQUIRED, Itimore County, this <u>4</u> day of <u>J. SV.</u> , 19, that the subje
matter of title patition be advertised, as required by the Conl	ing Law of Baltimore County, in two newspapers of meneral electricates the
out Baltimore County, that the property be reposted, and that in Room 108, County Office Building in Towson, Baltimore Co	the public hearing be had before the Zoning Commissioner of Beltimore Com-
	- Millian - Thered
REVIEWED BY:DATE:	CHUEH HECETVED FOR PILING
	Date
	8y

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning	

Taritainhur 9, 1991

Doris E. Ghent 1104 Burke Road Baltimore, Maryland 21220

111 West Chesapeake Avenue

Towson, MD 21204

CASE NUMBER: 92-79-A

LOCATION: E/S Burke Road, 106' N Coldspring Road
1104 Burke Road

Dear Petitioner

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refreshor measuring the administrative process.

1) Your property will be posted on or before September 15, 1991. The closing date is September 30, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391 111 West Chesapeake Avenue Towson, MD 2120+

November 13, 1991

557 3353

Mrs. Doris E. Ghent 1104 Burke Road Baltimore, Maryland 21220

> RE: Petition for Residential Zoning Variance Case No. 92-79-A

Dear Mrs. Ghent:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn cc: Peoples Counsel

Memo to Mr. Arnold Jablon

Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single

discharge points" <Baltimore County Code, Section 22-217(h)(2)>.

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and

Findings listed above. This proposal does comply with Chesapeake Bay

Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Finding: Stormwater runoff shall be directed from impervious surfaces to pervious areas, to encourage maximum infiltration.

October 28, 1991

Page 3

CONCLUSION

JJD:DCF:ju

Attachment

GHENT/TXTNSS

cc: Mrs. Doris E. Ghent

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration

and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

RJF/lvd

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 13, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

HELBING Property, Item No. 53

Smith Property, Item No. 64 McClure Property, Item No. 65 Boehnlein Property, Item No. 66 Marx Property, Item No. 68 Buie Property, Item No. 69 Pulaski Property, Item No. 70 Wollschlager Property, Item No. 72 Bray Property, Item No. 74 Graves Property, Item No. 75 Sylvia Property, Item No. 76 Long Property, Item No. 78 Pearl Property, Item No. 79 Casey Property, Item No. 80 Edwards Property, Item No. 81 Tyson Property, Item No. 85 Skidmore Property, Item No. 88 Williams Property, Item No. 89 Restivo Property, Item No. 90 Didier Property, Item No. 97 Wesolowski Property, Item No. 102 Griffin Property, Item No. 103 Burgwin Property, Item No. 104 Ghent Property, Item No. 110 Lingg Property, Item No. 111 Bates Property, Item No. 112

In reference to the Petitioner's request, staff offers no

Bond Property, Item No. 115

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: October 28, 1991 Office of Zoning Administration and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 110 Ghent Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1104 Burke Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Doris E. Ghent

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3B3 of the Baltimore County Zoning Regulations to permit 10 foot and 3 foot side yard setbacks in lieu of the required 50 feet, for a proposed addition and connected existing shed, respectively.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon October 28, 1991 Page 2

REGULATIONS AND FINDINGS

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No non-tidal wetlands were found on this site, or in the vicinity of the site. This property is located adjacent to the tidal waters of Galloway Creek. Tidal wetlands are present on Galloway Creek adjacent to the bulkhead on this property. No dredging, filling, or construction is proposed or shall be permitted in this tidal wetland.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: The applicant proposes to add an addition to the side of an existing single family dwelling. The existing dwelling is located approximately 125 feet from the mean high water line of Galloway Creek. Therefore, the proposed addition will not disturb the 100 foot buffer. No clearing, grading, or construction is proposed or shall be permitted in the 100 foot buffer, except as allowed by the Department of Environmental Protection and Resource Management.

Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 22-217(e)(1)>.

Finding: This property is approximately 0.44 acres in size, therefore, the amount of impervious area shall not exceed 4767 square feet, or 25% of the lot. This includes all building structures, paved and crusher-run driveways and parking pads, or any other impervious surfaces.

Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04

Finding: This property currently contains at least 15% tree cover. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

office of zoning administration and Development Management Office of Planing & Zoning Towner, Md. 21204 Dear Si:

Re: Case # 92-57. A Petitioner. Done E. Bhent Petition for Residential

We, Gloria and William Stecker, lot 94, 1102 Burke Road (Bowley's Quarters) understand a mathematical error was made by our neighbor, the petitioner, Doni E. Whend, in requesting a ten foot variance for her proposed seven fet wide by twelve feet long addition on lot 95. We offer no objection to an amended request for a seven (7) foot varance in lieu of the ter (10) foot portrayed on her variance sign of September 15 through September 30, 1991.
The three (3) foot variance for the existing shed is
also-acceptable.

William Stecker

























